UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,228	09/12/2003	Paul Spaeth	16222U-012510US	6840

20350	7590	06/06/2005

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EXAMINER
LABAZE, EDWYN

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/661,228	SPAETH ET AL.
	Examiner	Art Unit	
	EDWYN LABAZE	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09/12/2003</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>102804, 282005</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1.   Receipt is acknowledged of IDS filed on 10/28/2004 and 2/8/2005.

2.   Claims 1-24 are presented for examination.

3.   This application claims the benefits of provisional application 60/410,555 filed on

09/13/2002.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United
> States before the invention thereof by the applicant for patent, or on an international application by another who
> has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention
> thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

5.   Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Hsiao et al. (U.S.

6,564,215).

Re claims 1, 7, 13-14, and 20: Hsiao et al. {hereinafter referred as "Hsiao"} discloses

update support in database content management, which includes a token acceptance device

{herein interpreted as the program product reader 210} configured to receive the token {herein

the storage device 212; as shown in fig. # 2}, the token having a token image (col.6, lines 4-47);

and a server {herein interpreted as computer 200} configured to communicate with the token 212

via the token acceptance device 210 (col.6, lines 10+); wherein upon receiving an indication that

the token image on the token is to be updated, the server retrieves a backup token image for the

token and uploads the backup token image to the token via the token acceptance device to

replace the current token image on the token (col.4, lines 25-64; col.7, lines 5-37; col.13, lines

5+). Hsiao further teaches a token {herein an access card} having a token image {herein a

transaction file} and an indicator {such as a unique recovery identifier} used to indicate whether

the token is to be updated {herein interpreted as col.7, lines 31+; col.11, lines 35+}; a processing

server 200 configured to communicate with the token 212 via the token acceptance device 210

(col.5, lines 60-67; col.6, lines 1-47); and a token image server configured to store {through the

database management system/DBMS 104} a plurality of backup token images (col.5, lines 16+);

wherein the processing server examines the indicator {the unique recovery identifier} to

determine the token image in the token is to be updated (col.12, lines 15-59)

Re claims 2 and 8: Hsiao teaches a system and method, further comprising a token image

server configured to store a plurality of backup token images; wherein the retrieved backup token

image is selected from the plurality of backup token images based on one or more predetermined

criteria {herein interpreted as a structure query language/SQL and scalar function, which is

sometimes called the Uniform Resource locator/URL} (col.7, lines 12-30; col.7, lines 65+).

Re claims 3, 9, 16, and 23: Hsiao discloses a system and method, wherein the backup token image includes transaction and/or loyalty information relating to the token (col.3, lines 1-39; col.4, lines 62+).

Re claims 4, 10, 15, and 22: Hsiao teaches a system and method, wherein upon replacing the current token image with the backup token image on the token, an indicator in the token is set to ensure that no further update is to be performed (col.7, lines 38-56).

Re claims 5, 11, 17, and 24: Hsiao discloses a system and method, wherein the token is one of a smartcard, a cellular phone, a personal digital assistant, a pager, a payment card, a security card, an access card, smart media and a transponder {herein Hsiao discloses that the token is a storage device that includes an access file/transaction program interface} (col.3, lines 27+; col.4, lines 52-64; col.5, lines 31-46).

Re claims 6, 12, and 19: Hsiao teaches a system and method, wherein the token acceptance device is one of a point-of-sale device, a cellular phone, a personal digital assistant, a personal computer (PC), a tablet PC, a handheld specialized reader, a set-top box, an electronic cash register, a virtual cash register, a kiosk, a security system, and an access system {herein access system 100 as shown in fig. # 1} (col.4, lines 4-31; col.5, lines 31-46).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Friedes et al. (U.S. 5,521,966) discloses method and system for mediating transactions that use portable smart cards.

Murakami (U.S. 5,845,082) teaches distributed system having an improved method and apparatus for checkpoint taking.

Tan (US 2001/0045451) discloses method and system for token-based authentication.

Dinker et al. (US 2003/0131041) teaches system and method for coordinating access to data for a distributed application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Edwyn Labaze   THIEN M. LE
Patent Examiner   PRIMARY EXAMINER
Art Unit 2876
May 27, 2005